

REMARKS

Claims 1 and 3-33 are all the claims pending in the application, claim 2 being cancelled by the present amendment. Claims 1 and 15 are the only independent claims. The foregoing claim amendments are presented to claim disclosed embodiments more completely. No new matter has been added.

Claims 1-6, 11-18, and 27-33 stand rejected under 35 U.S.C. §102(b) as anticipated by Armstrong (5,565,891). Claims 7-10 and 19-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Armstrong. Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Armstrong in view of Yokoji (6,909,422). Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the pending claims in view of the following arguments.

Claim 1 is directed toward a user interface device and includes a hand-held housing and “a first user interface element configured with said hand-held housing and generating a first plurality of signals responsive to movement of said hand-held housing relative to two orthogonal axes.”

Applicant’s review of Armstrong reveals that this reference is silent with regard to the just-noted element of claim 1. In particular, there is nothing in Armstrong relating to movement of the housing of that reference relative to two orthogonal axes. The other references of record are similarly deficient. For at least these reasons, claim 1 is believed patentable over the references of record.

Applicant further comments that it also would not be obvious to modify the Armstrong device to include the just-identified elements of claim 1. For the sake of argument, Applicant assumes that the identified element of claim 1 is disclosed by a conventional computer mouse. Even if true, it would not be obvious to modify Armstrong to include the features of a conventional mouse. This is because Armstrong teaches away from such a combination.

For example, the Examiner’s attention is invited to col. 12, line 13 of Armstrong which states that the housing replaces a typical mouse. Armstrong clearly recognizes that its device is not be used in association with a mouse. By denouncing any association with a mouse, Armstrong therefore teaches away from such a combination. “It is improper to combine references where the references teach away from their combination.” MPEP § 2145 (citing *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983)).

In view of the foregoing, Armstrong fails to teach or suggest the identified features recited in claim 1, and therefore this claim is believed to be patentable. Independent claim 15 includes language similar to that of claim 1, and thus, is believed to be patentable for reasons similar to those discussed with regard to claim 1. The rejected dependent claims are also believed to be patentable at least by virtue of their respective dependence on the patentable independent claims. Applicant further notes the rejection to claims 7-10 and 19-26 under 35 U.S.C. § 103(a). It is believed that each of these dependent claims are also patentable by virtue of their dependency on their respective independent claims.

CONCLUSION

In view of the above, Applicants submits that the currently pending claims are in condition for allowance. Early issuance of a Notice of Allowance is respectfully requested.

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